

REMARKS/ARGUMENTS

Claims 1-3, 5-7, 21 and 22 are pending in the present application. Claims 1-3 were amended, and claims 4 and 8-20 were canceled. Claims 21 and 22 were added. Support for the claim amendments and the new claims can be found in the Specification, for example, on page 15, line 24 to page 16, line 20 and on page 16, line 27 to page 17, line 6, and in Figure 5. Reconsideration of the claims is respectfully requested in view of the above amendments and the following comments.

In this Amendment, Applicant has amended claims 1-3 and canceled claims 4 and 8-20 from further consideration in this application. Applicant is not conceding that the subject matter encompassed by claims 1-4 and 8-20 prior to this Amendment is not patentable over the art cited by the Examiner. Claims 1-3 were amended and claims 4 and 8-20 were canceled in this Amendment solely to facilitate expeditious prosecution of the remaining claims. Applicant respectfully reserves the right to pursue claims, including the subject matter encompassed by claims 1-4 and 8-20 as presented prior to this Amendment and additional claims in one or more continuing applications.

I. 35 U.S.C. § 102, Anticipation

The Examiner has finally rejected claims 1-20 under 35 U.S.C. § 102(e) as being anticipated by Ginsberg et al., U.S. Patent Number 6,064,730 (hereinafter “Ginsberg”). This rejection is respectfully traversed. (Although paragraph 2 of the Office Action states that only claims 1-4, 6-11, 13-17 and 20 are rejected, all of claims 1-20 appear to be rejected in the body of the rejection.)

In finally rejecting independent claims 1, 8 and 14, the Examiner states:

In regards to claims 1, 8, and 14, Ginsberg discloses a method, system, and computer program product comprising a computer readable medium having a computer readable program code for visually representing an interactive telephone call tree interface (See Abstract), comprising the steps of: providing a first interactive screen of display for a telephone call tree; displaying said first interactive screen of display for said telephone call tree; selecting a node (See Fig. 3 and "icons", such as icon 63) of said displayed first interactive screen of display for said telephone call tree to form a selected node of said telephone call tree; and responsive to selecting a node of said displayed first interactive screen of display, displaying a second interactive screen of display (e.g., a new display map at the customer's interactive terminal 175), said second interactive screen of display including information (e.g., a list of products or products categories and associated agents) about a content of said selected node of said telephone call tree (See col. 3 lines 27-64).

Final Office Action dated April 11, 2008, pp. 2-3.

Claims 4 and 8-20 have been canceled. Accordingly, the rejection with respect to those claims is now moot. Claim 1, as amended herein, is as follows:

1. A method for visually representing an interactive telephone call tree interface, comprising the steps of:
 - responsive to a user placing a telephone call to a provider, determining whether the provider has been previously called;
 - responsive to determining that the provider has been previously called, automatically retrieving a stored telephone call tree associated with the provider from a first storage;
 - responsive to determining that the provider has not been previously called, downloading the telephone call tree from a second storage associated with an automated telephone answering system of the provider;
 - displaying said telephone call tree on a first interactive screen of display to form a displayed telephone call tree;
 - selecting a node of said displayed telephone call tree on said first interactive screen of display to form a selected node of said displayed telephone call tree; and
 - responsive to selecting the node of said displayed telephone call tree on said first interactive screen of display, displaying a second interactive screen of display, said second interactive screen of display including information about a content of said selected node of said telephone call tree.

A prior art reference anticipates the claimed invention under 35 U.S.C. § 102 only if every element of a claimed invention is identically shown in that single reference, arranged as they are in the claims. *In re Bond*, 910 F.2d 831, 832, 15 U.S.P.Q.2d 1566, 1567 (Fed. Cir. 1990). All limitations of the claimed invention must be considered when determining patentability. *In re Lowry*, 32 F.3d 1579, 1582, 32 U.S.P.Q.2d 1031, 1034 (Fed. Cir. 1994). Anticipation focuses on whether a claim reads on the product or process a prior art reference discloses, not on what the reference broadly teaches. *Kalman v. Kimberly-Clark Corp.*, 713 F.2d 760, 218 U.S.P.Q. 781 (Fed. Cir. 1983). In this case each and every feature of the presently claimed invention is not identically shown in Ginsberg, arranged as they are in the claims, and, accordingly, Ginsberg does not anticipate the claims. With respect to claim 1, for example, Ginsberg does not disclose or suggest “responsive to a user placing a telephone call to a provider, determining whether the provider has been previously called”, “responsive to determining that the provider has been previously called, automatically retrieving a stored telephone call tree associated with the provider from a first storage”, or “responsive to determining that the provider has not been previously called, downloading the telephone call tree from a second storage associated with an automated telephone answering system of the provider.”

Ginsberg relates to a call center for routing calls from a user to one of a plurality of agent stations of an organization. In Ginsberg, a first display depicts icons representing call center areas of the organization. The user can click on one of the icons to form a second display that depicts information about the selected area.

Ginsberg does not, however, disclose or in any way suggest determining whether a provider has been previously called responsive to a user placing a telephone call to the provider as now recited in claim 1, nor does Ginsberg disclose or suggest either “automatically retrieving a stored telephone call tree associated with the provider from a first storage” responsive to determining that the provider has been previously called, or “downloading the telephone call tree from a second storage associated with an automated telephone answering system of the provider” responsive to determining that the provider has not been previously called. Although Ginsberg may disclose generating a display at a customer’s display device, the reference does not disclose or suggest first determining whether a provider has been previously called responsive to a user placing a telephone call, and either automatically retrieving a stored telephone call tree or downloading a telephone call tree depending on whether or not the provider has been previously called.

Therefore, Ginsberg does not disclose or suggest any of the claim 1 features of “responsive to a user placing a telephone call to a provider, determining whether the provider has been previously called”, “responsive to determining that the provider has been previously called, automatically retrieving a stored telephone call tree associated with the provider from a first storage”, or “responsive to determining that the provider has not been previously called, downloading the telephone call tree from a second storage associated with an automated telephone answering system of the provider”, and does not anticipate claim 1. Claim 1, accordingly, patentably distinguishes over Ginsberg in its present form.

Claims 2, 3 and 5-7 depend from and further restrict claim 1 and are also not anticipated by Ginsberg, at least by virtue of their dependency. In addition, these claims recite additional features that are not disclosed or suggested by Ginsberg. For example, claim 2 depends from claim 1 and recites that the selecting step comprises hovering over a hyper-link that includes a network address associated with the selected node of the displayed telephone call tree. Ginsberg, neither in column 3, lines 8-27, referred to by the Examiner, nor elsewhere in the reference discloses or suggests “hovering over a hyper-link that includes a network address associated with the selected node of a displayed telephone call tree”, and claim 2 is not anticipated by Ginsberg in its own right as well as by virtue of its dependency.

Therefore, the rejection of claims 1-20 under 35 U.S.C. § 102 has been overcome.

New claims 21 and 22 depend from and further restrict claim 1 and recite additional features that are not disclosed or suggested by Ginsberg.

II. Conclusion

It is respectfully urged that the subject application is patentable over the Ginsberg and is now in condition for allowance. It is, accordingly, respectfully requested that the Examiner so find and issue a Notice of Allowance in due course.

The Examiner is invited to call the undersigned at the below-listed telephone number if in the opinion of the Examiner such a telephone conference would expedite or aid the prosecution and examination of this application.

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Respectfully submitted,

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